

REMARKS/ARGUMENTS

Claims 1-10 are pending in this application. Claims 1-10 stand rejected. By this Amendment, claims 3-5 and 8 are amended. The amendments made to claims 3-5 and 8 do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 3-5 stand rejected under 35 USC §112, second paragraph, as being indefinite. Applicants have amended claims 3-5 and 8 in accordance with the Examiner's comments. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph.

Claims 1, 2, 6, and 10 under 35 USC §102(b) as being anticipated by U.S. Patent Publication 2001/0055530 ("Eck"). Applicants respectfully request reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 1 not present in Eck is that "at least part of the mixing tube is arranged in a pot which is assigned to a baffle." As disclosed in the present specification, and explicitly recited in the claims, a suction pump is arranged such that the mixing tube of the suction jet is arranged in a pot. As shown for example in Figure 1, a suction pump 9 is arranged so that a portion of its mixing tube 10 is in pot 8.¹ As shown, the pot 8 is distinct from the baffle 5.

¹ The descriptive details and references to the specification are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue the limitations that are unclaimed. Further, it is not intended to argue the limitations not present in the claims, or for an interpretation of any claim term that is narrower than would be understood by one of ordinary skill in art in the context of the specification and the claims as a whole.

In contrast, Eck discloses a baffle 2 having contained therein a fuel pump and a suction jet pump. The mixing tube is arranged within the baffle 2. There is no pot in Eck as explicitly recited in the pending claims.

Applicants note that the area identified as the “pot” in the Office Action corresponds to Eck’s baffle 2, which is analogous to baffle 5 in the present specification. Eck fails to disclose an element corresponding to the pot which is assigned to a baffle, as recited in the claims. Therefore, Applicants respectfully submit that claim 1 and dependent claims 2-10 are allowable over Eck.

Claims 3-5 and 8 stand rejected under 35 USC §103(a) as being unpatentable over Eck. As discussed above, Eck fails to disclose “at least a part of the mixing tube is arranged in a pot which is assigned to a baffle.” Claims 3-5 and 8, which depend from claim 1, include this limitation. The limitations in claims 3-5 and 8 include additional limitations that are also directed to patentable subject matter. Therefore, claims 3-5 and 8 are also allowable over Eck.

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Eck in view of U.S. Patent 6,619,927 (“Becker”). Applicants respectfully request reconsideration and withdrawal of this rejection. Applicants note that Becker was cited for its disclosure of limitations expressly recited in claim 7. Whether or not Becker discloses those limitations is irrelevant as Becker fails to cure the deficiencies noted in Eck discussed above with respect to claim 1. Therefore, Applicants respectfully submit that this rejection of claim 7 must be withdrawn.

Claim 9 stands rejected under 35 USC §103(a) as being unpatentable over Eck in view of U.S. Patent Publication 2003/0213477 (“Ramamurthy”). Applicants respectfully request consideration and withdrawal of this rejection. Applicants note that Becker was cited for its disclosure of limitations expressly recited in claim 9. Whether or not Ramamurthy discloses those elements is irrelevant as Ramamurthy fails to cure the deficiencies noted in Eck discussed above

with respect to claim 1. Therefore, Applicants respectfully submit that this rejection of claim 9 must be withdrawn.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

If an Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By


Alfred W. Froehlich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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